

Serial No. 10/779,892
Docket No. 40500.0117**REMARKS**

Applicant replies to the Office Action dated July 18, 2006, within the shortened one month statutory period for reply. Reconsideration of this application is respectfully requested.

Applicant thanks the Examiner for the courtesies extended during the telephone conference with Applicant's attorney Howard Sobelman on July 24, 2006. In this call, the Examiner agreed that the cap embodiments of Figures 2A-E comprise one component which may be used in the system or method embodiments disclosed in the various embodiments in Figures 4A-G, so Applicant may select one of the Species in the Figures 4A-G, without canceling any claims at this time.

The Examiner has asserted a Restriction Requirement under 35 U.S.C. § 121 requiring restriction of the application to the cap embodiments of Figures 2A-E and the fixation of bone embodiments disclosed in the various embodiments in Figures 4A-G.

Applicant respectfully submits that examination of all currently pending claims would not pose an undue burden on the Examiner. Section 803 of The Manual of Patent Examining Procedure states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicant therefore respectfully requests examination of all currently pending claims.

Applicant hereby elects Species G under "Fixation of bone fracture". Applicant also asserts that claims 1-26 are readable upon Species G. Applicant has selected Species G in order to expedite prosecution of this application. Applicant does not acquiesce to the Examiner's foundation for the Restriction Requirement as set forth in the Office Action. Accordingly, the foregoing election is made without waiver, estoppel or without prejudice to the filing of one or more related applications directed to the subject matter of any subsequently canceled claims.

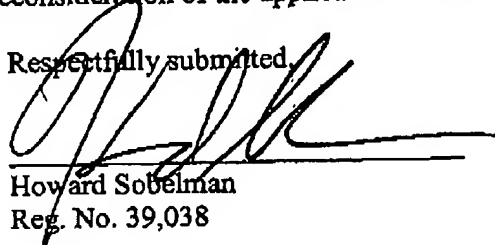
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Applicant asserts that the foregoing conforms this application to the Examiner's Restriction Requirement dated July 18, 2006.

Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited. Should the Examiner have any suggestions to place the application in even better condition for allowance, Applicants request that the Examiner contact the undersigned representative at the telephone number listed below. No new matter is added in this Response. Reconsideration of the application is thus requested.

Respectfully submitted,


Howard Sobelman
Reg. No. 39,038Dated: July 24, 2006

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